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APPLICATION NO.	FIL	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,030 06/29/2001		6/29/2001	J. Norman Hansen	108172-00058	5493
4372	7590	09/18/2002			
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WASHINGT	ON, DC	20036	ART UNIT	PAPER NUMBER	
				1653	<u> </u>
				DATE MAILED: 09/18/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

Application N . Application (Summary Examiner Cabriele E. BUCAISKY 1653								
## Examiner SubJAISKY 1653 ## The MAILING DATE fthis communication in appears in the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Enteractive of time mity to available under the provisione of 31 CFR 1.138(s). In no event, however, may a empty be timely filled If the period for regity is application is lists when thirty (30) days, a mery which he statution within the fill of the period for regity is application is lists when thirty (30) days, and which he statution is filled to regit is application in the more is lists when they (30) days, and within the statution of this (30) days will be considered timely. If the period for regity is application is lists when thirty (30) days will be considered timely. If the period for regity is application is list with mitting able of this communication (4) MoNTHS from the realting date of this communication (5) in the event of the meritance of the communication of the meritance of the score of the communication of the meritance of the communication of the meritance of the communication of the communicati		Applicati n N .	Applicant(s)					
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 4pplication Papers 9) The specification is objected to by the Examiner. 4pplication Papers 9) The proposed drawing correction filed on is/are: a) accepted or b objected to by the Examiner. 4pplication may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a r y within the statutory minimum of thin will apply and will expire SIX (6) MON e, cause the application to become AB	eply be timely filed y (30) days will be considered timely. THS from the mailing date of this communication. ANDONED (35 U.S.C. § 133).					
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Application/Control Number: 09/894,030

Art Unit: 1653

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-8, and 15-23, drawn to a chimeric sublancin peptide, a method of its purification and a method of decontamination using the peptide, classified in class 514, subclass 12.
- II. Claims 9-14, drawn to a method of making a chimeric sublancin peptide via recombinant DNA technology, classified in class 435, subclass 69.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another process, e.g., total chemical synthesis such as the Merrifield procedure.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and because the search required for Group I is not required for Group II (and vice versa), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabriele E. BUGAISKY whose telephone number is (703) 308-4201. The examiner can normally be reached on 8:15-12:15 M, 8:15-1:15 Tu-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher SF Low can be reached on (703) 308-2923. The fax phone numbers for the organization where this application or proceeding is assigned are 703 308-4242 for regular communications and 703 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 708 308-0196.

Gabriele E. BUGAISKY

Primary Examiner

Art Unit 1653

September 17, 2002

GABRIELLE BUGAISKY PRIMARY EXAMINER